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U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

SEP 21 2005

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By dg
Deputy

V.

NO. 3:05-CV-0771-L

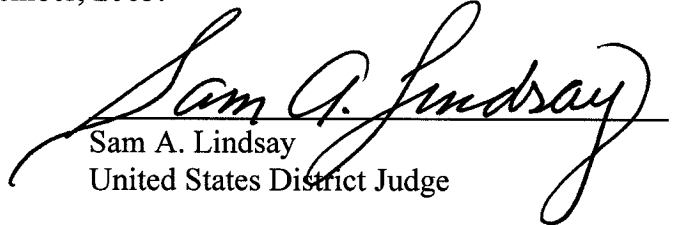
Respondent.

Petitioner Jimmy Mammoth, Jr. (“Petitioner”), appearing *pro se*, filed an application for the writ of habeas corpus under 28 U.S.C. § 2254. Pursuant to 28 U.S.C. §636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On August 18, 2005, the Findings and Recommendation of the United States Magistrate Judge were filed, to which no objections were filed.

The magistrate judge recommended that Petitioner’s application be denied under the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”), Pub. L. 104-132, 110 Stat. 1214 (1996), codified at 28 U.S.C. § 2254(d). Having reviewed the pleadings, file and record in this case, and the findings and conclusions of the magistrate judge, the court determines that they are correct. Accordingly, the magistrate’s findings and conclusions are accepted as those of the court.

Petitioner's application is **denied**, and this action is **dismissed with prejudice**. A final judgment dismissing this case with prejudice will be issued by separate document.

It is so ordered this 20th day of September, 2005.


Sam A. Lindsay
United States District Judge